مسائل موبائل

LAWS PERTAINING TO THE USE OF

THE CELLULAR PHONE



by

Mufti Muhammad Salmaan Mansurpuri

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Bismihi Ta'ala

Preface

The cell-phone, an inseparable instrument of present day life, has now reached the hands of all and sundry. Men, women, children, the rich the poor - all face the challenge of the cell-phone. This mobile tsunami has not spared anyone.

The cell-phone companies are untiringly competing and offering new schemes and packages in a sinister attempt to lead customers into upgrading their phones and contracts. Daily the market is flooded with a range of phones with many new features and functions.

The cell-phone has moved on from being a necessity to becoming a compendium of vain entertainment. In one's pocket is no more just a phone. Rather, a radio, tape recorder, camera, video, T.V. and even the internet is included

therein. As small as it is, this phone now has the capacity to give birth to a host of evils and vices.

Tragically, the cell-phone has wrecked the lives of many innocent and chaste young people who hail from respectable homes. Photography and filming has become even more rife and common. With the earplug to the phone, many people perpetually listen to music (thus sowing in them the seeds of hypocrisy). The filth and garbage spewed on the net is now accessible in the palm of one's hand. As a result priceless hours are being burnt away on useless entertainment and games.

Undoubtedly, there are those who strictly use the cell-phone when necessary. Even in such cases the limitations of Shariah are often overstepped and at times completely ignored. A common example is that of the musical ring tone. The sad part is the self-justification when

one is corrected or informed of the act being impermissible.

For a long time I wished that someone would shed some Shar`ee light on the cell-phone itself and the various related masaail. I am greatly indebted to Moulana, Mufti Irtidaa-ul-Haq Hasan Saheb, an Ustaad at Mazaahirul Uloom Saharanpur. Mufti Saheb had obtained and made available a questionnaire consisting of thirty cell-phone related *istiftaas* (queries). The questionnaire was prepared by a student of Mazaahirul Uloom, Molvi Muhammad Salmaan Madraasi, and answered by the Darul Iftaa. These questions and answers are being presented for the benefit of the readers.

Mufti Muhammad Salmaan Mansurpuri

Introduction

The cellular phone

It is an undoubted fact that the incorrect use of the cellular phone has caused and continues to cause great harm to the Ummah. It is perhaps for this reason that those who are against the use of the cellular phone become even more staunch in their view with each passing day.

With regards to the harms, consider for instance the situation of a student of Deen (or any other student). He needs to have complete devotion, dedication and solitude. Thus, what good can there ever be for a student to possess a cell-phone whereas having many associations and being in contact with many people is a fatal poison for his *ta`leem* and *tarbiyat* (nurturing). Apart from this, the cell-phone will be an additional financial burden on him.

Another severe harm of the cell-phone is that such people who generally do not go to public places to listen to music, view haraam films or watch other futile things, etc. out of shame and embarrassment, have found an easy and direct tool to engage in these vices.

Likewise, despite numerous announcements in the masaajid, the sound of someone's cell-phone invariably destroys the sanctity of the musjid in almost every salaah.

Yet another great harm of the camera phone is that people are able to very easily take photos of animate objects and other impermissible things.

Nowadays with the new cell-phones, one can easily connect onto the internet. Fitnah and immorality is now knocking on the doors of our homes, the places of Ilm and even the places of Ibaadah. The heart of any Allah conscious Mu'min will shiver just at the thought of it.

In short, among the inventions of the west, this little item has wreaked such havoc which other bigger inventions have not done. By means of the phone, weakness is very swiftly entering our Deen and Akhlaaq. How pleased the enemies of Islam must be to witness this?

Despite all these harms, it is still nevertheless possible for one to use the cell-phone in such a way that he is protected from its evils. It is not necessary that one must get involved in all or even some of its evils. Due to this, the Ulama are of the opinion that to declare a general ruling of impermissibility for the use of the cellular phone is incorrect. It is also incorrect to say that the people of virtue and taqwa who use a cell-phone are void of piety.

For example, if a person sets his cellular phone on a completely normal ring (without any musical tone), switches it off at the time of salaah, stays away from playing futile games on

it, does not waste his valuable time and money watching cricket matches, etc., then none can compel such a person not to use it. It is incorrect to say that if a person has a cell-phone, then most definitely he will be entrapped with all its evils and harms.

There are nevertheless, in this period of immense fitnah, thousands of Allah fearing people who are using the cell-phone within the limits of shariah. They strictly follow the principle that "Necessity must be restricted to the extent of necessity." Thus, they are an example to others and are worthy of congratulations.

This booklet is a detailed discussion of the limits and restrictions within which one can use the cell-phone. The various laws pertaining to its use are mentioned. It is necessary that every Muslim abides by these laws so that he may continue fulfilling the purpose of his creation (which is to recognize Allah Ta`ala and worship Him).

Furthermore, abiding by these laws will deter those who use the cell-phone as a tool for the destruction of *Akhlaaq* (character) and a means of spreading spiritual diseases.

This booklet is, in fact, a compilation of all those questions that are posed regarding the use of the cellular phone. Reliable Muftis have given their detailed answers to these questions.

With the *taufeeq* of Allah Ta`ala, as well as the insistence of some sincere friends, it came into the heart of the author, after witnessing the misuse of the cell-phone, that these masaail must be referred to the Muftis and thereafter made available to the public.

In conclusion I make dua to Allah Ta`ala that He accept this humble effort and make it beneficial for the ummah. May Allah Ta`ala protect all the Muslims, especially our youth from the fitnahs and ploys of the forces of *baatil*. *Aameen.*

مسائل موبائل

Questions related to the use of a ***Cell phone***

(1) Switching off the cell-phone in salaah

Question: If one's cell-phone rings during salaah what should he do? Should he break his salaah? Should he switch off the cell-phone whilst in salaah? Should he continue and allow the phone to ring?

Answer: First of all, it is imperative to inculcate the habit of switching off the cell-phone before salaah. If one forgot to do so and the phone starts ringing, then with a slight movement (*a`mal-e-qaleel*) one should cut the call. For example, one cuts the call by placing his hand in his pocket. The salaah is still valid. There is no need to break the salaah. If one allows the phone to continue ringing, his salaah will be valid. However, he will be guilty (sinful) for disturbing others in salaah[1].

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[1] وأشار بالأكل والشرب إلى أن كل عمل كثير فهو مفسد ، واتفقوا على أن الكثير مفسد والقليل لا ، لإمكان التحرز عن الكثير دون القليل إلخ . ثم اختلفوا فيما يعين الكثرة والقلة

(2) *A`mal-e-Qaleel* and *A`mal-e-Katheer*

Question: Please explain *a`mal-e-qaleel* and *a`mal-e-katheer*.

Answer: The *Fuqahaa-e-Kiraam* have differed in defining *a`mal-e-qaleel* and *a`mal-e-katheer*. The preferred opinion is that any action which gives the impression to the onlooker that one is not in salaah is *a`mal-e-katheer*. Hence, if one's action is not so noticeable then it is *a`mal-e-qaleel*[2].

على أقوال : أحدها ما اختاره العامة كما في « الخلاصة » و « الخانية » أن كل عمل لا يشك الناظر أنه ليس في الصلاة فهو كثير ، وكل عمل يشتبه على الناظر أنه ليس في الصلاة فهو قليل . قال في « البدائع » : وهذا أصح ، وتابعه الشارح والوالجي . وقال في « المحيط » : إنه الأحسن . وقال صدر الشهيد : إنه الصواب . (« البحر الرائق » ، كراتشي ٢/١١) .

[2] ويفسدها كل عمل كثير ليس من أعمالها ولا لإصلاحها ، وفيه أقوال خمسة : أصحها ما لا يشك بسببه الناظر من بعيد في فاعله أنه ليس فيها ، وإن شك أنه فيها أم لا فقليل . قال الشامي : صححه في « البدائع » وتابعه الزيلعي والوالجي . وفي « المحيط » : إنه الأحسن . وفي « الخانية » و « الخلاصة » : إنه اختيار العامة . (« شامي » ١/٤٢٠ – باب ما يفسد الصلاة وما يكره فيها) .

(3) Cell-phone repeatedly ringing in salaah

Question: What should one do if his phone rings repeatedly in salaah? After cutting the call it rings again. Can one cut the call a second time?

Anwer: One may repeatedly cut the call provided one's action was *a`mal-e-qaleel*. If one's action of repeatedly cutting off the call becomes clearly noticeable to the extent that an onlooker may feel that he is not in salaah then the salaah will be nullified[3].

(4) How many times may the musalli cut the call?

Question: How many times may one cut the call in the same posture? How many times may one

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[3] ويفسدها العمل الكثير . وهو كل عمل لا يشك الناظر في فاعله أنه ليس في الصلاة عنـــد عامة المشايخ ، وهو المختار . (« مجمع الأنهر » ١/١٢٠) .

cut the call for the entire duration of Salaah? What is the position of one’s salaah if he cuts a call three times in the same posture?

Answer: Undoubtedly one is allowed to cut the call three times provided it was with minimal action (*a`mal-e-qaleel*). The salaah is valid whether it was all done while in the same posture or in more than one posture.

Note: (1) The three movements should not be consecutive. (2) The three movements should at least be spaced out for the time wherein one could recite *Subhana Rabbial A`laa* more than three times. If the three movements all took place in a time span equal to the duration of reciting three tasbeehs or less, then according to one view this is *a`mal-e-katheer* which

invalidates the salaah. Therefore, precaution is necessary[4].

(5) Breaking one's salaah to switch off the phone

Question: A person is unable to cut the call with *a`mal-e-qaleel*. If he allows it to ring, his salaah as well as the salaah of the musallees will be disturbed. In this case can he break his salaah and switch off his phone so that the salaah continues peacefully?

Answer: If one cannot cut the call with *a`mal-e-qaleel* then despite the disturbance he cannot break his salaah. The breaking of salaah is exclusive to certain conditions. Disturbance in salaah is not a valid shar`ee excuse to break

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[4] وقيل : ما يكون ثلاثا متواليا حتى لو روح على نفسه بمروحة ثلاثا أو حك موضعا من جسده ثلاثا تفسد ان على الولاء . (« مجمع الأنهر » ١/١٢٠) .

one's salaah[5]. (Nevertheless, one will be guilty of having disturbed the salaah of the congregation. Therefore, one should ensure that one's phone is switched off before commencing his salaah.)

(6) Having the Adhaan or the verses of the Qur'aan, Salaam, Naaths as a ring tone

Question: What is the ruling with regards to having the Adhaan or any verse of the Qur'aan as the ring tone on one's cellular phone?

Answer: The purpose of the ring tone on a phone is to inform you that somebody wishes to speak to you. It is like a person knocking at your door. To use the Adhaan or a verse of the Qur'aan for the purpose of this information is

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[5] وفي « المراقي » ص ٢٠٤ : إن قطع الصلاة لا يجوز إلا لضرورة ، ويباح قطعها لنحو قتل حية وند دابة وفور قدر . . . . (« شامي » ١/٤٤١) .

inappropriate. It is disrespectful to use there sacred words in this manner. It is for this reason that the Fuqahaa have forbidden the use of the words of zikr for such purposes. Therefore, it is incorrect to download the Adhaan, naaths or verses of the Quraan as a ring tone.

Furthermore, sometimes one's phone suddenly starts ringing whilst one is in the toilet. As a result, verses of the Qur'aan or the Adhaan are recited in the toilet. This is gross disrespect to these sacred words. Hence, one should completely refrain from having such ring tones. Merely set your phone on a normal ring tone[6].

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[6] ويكره أن يقرأ في الحمام ؛ لأنه موضع النجاسات ، ولا يقرأ فى بيت الخلاء ، كذا فى « فتاوى قاضيخان » (« هندية » ٣١٦/٥) . وكذا١ قولهم بكفره إذا قرأ القرآن في معرض كلام الناس كما اذا اجتمعوا فقرأ ﴿ جمعناهم جمعا ﴾ . وله نظائر كثيرة في ألفاظ التكفير ، كلها ترجع إلى قصد الاستخفاف به . قال قاضيخان : الفقاعى إذا قال عند فتح الفقاع : «

(7) Having a musical ring tone

Question: Is it permissible to have a musical ring tone?

Answer: It is impermissible and a severe sin to have a musical ring tone on one's cellular phone[7].

(8) Listening to music by means of the cellular phone

Question: Is it permissible to listen to music from a cell-phone? There are no pictures with the music.

صل على محمد » قالوا : يكون آثما . (« الأشباه والنظـائر » ص ٥٣ ، مكتبـة دار العلوم ديوبند ، مستفاد : « إمداد الفتاوى » ٢٤٩/٤) .

[7] في الحديث الشريف : « صوتان ملعونان في الدنيا والآخرة : مزمار عند نعمة ورنـة عنـد مصيبة » . (« الترغيب والترهيب » ١٨٤/٤) . واستماع ضرب الدف والمزمار وغـير ذلك حرام . (« شامي » ، زكريا ٥٦٦/٩) .

Answer: Listening to music is Haraam, whether it is from a cell-phone or from any other instrument, whether with pictures or without pictures[8].

(9) Musical ring tones on the answering end

Question: Zaid calls Amr, but upon dialling Amr's number he hears a musical ring or music (as is the case when one is put on hold). Is it permissible to continue with the call or must he terminate the call? Furthermore, what is Amr's position in setting such a tone that those who call him are forced to listen to music?

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[8] في الحديث : « من جلس إلى قينة يسمع منها صبّ في أذنه الآنك يوم القيامة » . (« قرطبي » ٥٠/٧ جزء ٢١) . و استماع ضرب الدف والمزمار وغير ذلك حـــرام . (« شـــامي » ، زكريا ٥٦٦/٩) .

Answer: To set such a tone on one's phone that those who call one are forced to listen to music is totally impermissible. One is not only committing a sin, this is also propagation of a sin to others. Nevertheless, if one needs to call somebody and is forced to hear music on the other end, one will not be sinful (the sin will be on the other party).[9]

(10) Watching a film on one's cell-phone

Question: Is it permissible to watch a film on the cell-phone?

Answer: This is forbidden, whether on the cell-phone or any other media. Allah Ta`ala declares: ﴿ ولا تقربوا الفواحش ما ظهر منها وما بطن ﴾ "Do not come

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[9] عن أبي أمامة رضي الله عنه عن النبي صلى الله عليه وسلم قال : « إن الله عزوجـــل بعـــثني رحمة وهدى للعالمين . أمرني أن أمحق المزامير والكفاءات – يعني البرابط – والمعازف والأوثان التي كانت تعبد في الجاهلية » . (« مسند إمام أحمد بن حنبل » ٢٥٧/٥) .

close to immorality, whatever of it is apparent or hidden" (Surah An`aam).[10]

(11) Watching cricket, soccer or other sports on a cell-phone

Question: Can one watch cricket on one's phone?

Answer: Watching cricket on one's phone is a futile act and a waste of precious time. Often acts of sin are also perpetrated when adverts with immoral pictures are viewed during the match. Generally, people cannot turn their eyes away when any un-Islamic aspect will be aired. Hadhrat Abu Hurairah ﵁ has reported that Rasulullah (sallallahu alaihi wa sallam) said: "The beauty of one's Islam is that he forsakes futile

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[10] « فتاوى محمودية » ١/١٢٦ .

actions." (Shu`abul Imaan, Fatawaa Raheemiyah, vol 10, pg 326)[11]

(12) Playing games on the cell-phone

Question: Can one play games on the cell-phone?

Answer: Playing games on the cell-phone is also a futile act and a waste of time. It is necessary to refrain from it. Rasulullah (sallallahu alaihi wa sallam) is reported to have said: "It is the dictates of one's Islam that he forsakes futile acts."[12]

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[11] عن أبي هريرة رضي الله عنه قال : قال رسول الله صلى الله عليه وسلم : « من حسن إسلام المرء تركه ما لا يعنيه » . (« شعب الإيمان » ، حديث : ٤٩٨٧ . مستفاد : « إمداد الفتاوى » ٢٥٧/٤ ، « فتاوى رحيمية » ٣٢٦/١٠) .

[12] عن أبي هريرة رضي الله عنه قال : قال رسول الله صلى الله عليه وسلم : « من حسن إسلام المرء تركه ما لا يعنيه » . (« شعب الإيمان » ، حديث : ٤٩٨٧) .

(13) Listening to Deeni talks on one's cell-phone

Question: Can one listen to Deeni talks or the recitation of naaths on one's phone, with visuals on the screen or without it?

Answer: Listening to Deeni talks and permissible naaths is allowed, provided it is not accompanied by pictures.[13]

(14) To display the name of Allah ﷻ or Rasulullah ﷺ on the screen of the cell-phone

Question: Is it permissible to display the name of Allah ﷻ or Rasulullah ﷺ or any Qur'aanic aayat or a picture of the Ka`bah Shareef or the Green Dome of Madinah Munawwarah, or any other sacred place on one's cell-phone? Can one go

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13 مستفاد : « إمداد الفتاوى » ٥/٢٤٩ ، « كفاية المفتي » ٩/٢٠٧) .

into the toilet with such a phone or keep it in his pants pocket?

Answer: In principle, displaying the names of Allah Ta`ala and His Rasul ﷺ or any Qur'aanic verse, etc., is permissible. However, if the names are displayed on the screen, it is not permissible to go into the toilet with it. Before going to the toilet one should switch off the phone so that these sacred names and verses are not disrespected. Likewise, if these sacred names or verses are visibly displayed on the screen, to put the phone in one's pants pocket will amount to disrespect[14].

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[14] فلو نقش اسمه تعالى أو اسم نبيه صلى الله عليه وسلم استحب أن يجعل الفص في كمـــه إذا دخل الخلاء . (« شامي » ، زكريا ٥١٩/٩) .

(15) Downloading the Qur'aan or Hadith on the cell-phone

Question: Is it permissible to download the text of the Quraan, Hadith or any duas, etc., on one's phone? Can one go into the toilet with such a phone, or any other unclean place?

Answer: There is no harm in downloading such texts onto one's phone. Nevertheless, if the texts are being played on the phone or the text is visible, it will not be permissible to go into the toilet with it. If the phone is switched off, or the particular program is not being played and no texts are visible on the screen, it will be permissible to go into the toilet with it. (Shaami, vol 9, pg 519).[15]

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[15] فلو نقش اسمه تعالى أو اسم نبيه صلى الله عليه وسلم استحب أن يجعل الفص في كمــه إذا دخل الخلاء . (« شامي » ، زكريا ٥١٩/٩) .

(16) Taking photographs with a cell-phone

Question: What is the Shar`ee ruling on the following:

1. Taking photographs of animate objects by means of a cell-phone.
2. Having such photographs stored on one's cell-phone.
3. Performing Salaah with a cell-phone in one's pocket wherein one has pictures of animate objects saved on his phone.

Answer: According to most Ulama, it is not permissible to take pictures of animate objects with a cell-phone. However, the pictures are saved on the phone in such a manner that until that particular file is not opened, the picture is not visible, then, Salaah performed with the phone in one's pocket will be valid. Furthermore, generally the picture on the screen is very small

and unclear. If it is displayed in this manner it will not invalidate the Salaah, especially when it remains covered in the pocket.[16]

(17) Purchasing a camera phone

Question: Is it permissible to buy a camera phone, considering the fact that phones without cameras are also available and fulfil the purpose of a phone?

Answer: Since the camera phone can also be used to take permissible pictures, such as pictures of inanimate objects, the purchase of such a phone will not be deemed impermissible.[17]

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[16] لا تمثال إنسان أو طير لحرمة تصوير ذي روح . (« شامي » ، زكريا ٥١٩/٩) . لو كان على خاتم فضة تماثيل لا يكره ، وليس كتماثيل في الثياب في البيوت لأنه صغير . (« شامي » ، زكريا ٥٢٠/٩) .

[17] الأمور بمقاصدها . (« الأشباه والنظائر » ٥٣ ، مكتبة دار العلوم ديوبند ، « إمداد الفتاوى » ٢٤٩/٤) .

(18) A traveller charging his phone in the Musjid

Question: If a traveller, such as one who is out on a journey to propagate Deen, or is a delegate of a Madrasah etc., spends the night at a Musjid, out of necessity, can he use the Musjid electricity to charge his phone?

Answer: If one has used the Musjid electricity for this purpose, then it is better for him to deposit some amount into the Musjid fund. This is necessary since one has used the electricity of the Musjid for one's specific personal benefit, apart from the facilities of the Musjid which has been provided. Therefore, the Musjid must be compensated for this.[18]

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18 وتجب القيمة في القيمي يوم غصبه إجماعا . (« الدر المختار » مع « الشامي » ٩/٥٦٧) .

(19) Charging one's phone at the airport

Question: If one has the intention to travel but has merely gone to the airport or station to pick up a passenger, can one use the electricity of the airport or station to charge one's phone?

Answer: This is permissible since the facilities of the airport or station are for passengers as well as others who come to these places to pick up passengers, or for any other work.[19]

(20) People charging their phones in their local musjid

Question: What is the ruling for charging one's phone in the local musjid?

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[19] مستفاد : ولكل سقي أرضه من بحر أو نهر عظيم كدجلة والفرات ونحوهما ، لأن الملك بالإحراز ، ولا إحراز ؛ لأن قهر الماء يمنع قهر غيره . (« الدر المختار » ١٠/١٣) .

Answer: It is incorrect for one to charge one's phone in the local musjid. If someone did do so, then it is incumbent on him to deposit some money into the Musjid fund.[20]

(21) A Mu`takif charging his phone in the Musjid

Question: Can a mu`takif (one sitting in I`tikaaf) charge his phone using the plug and electricity of the Musjid?

Answer: Out of necessity he may do so. As a precaution he should estimate how much electricity he used and donate the money to the Musjid.[21]

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[20] ولا يحمل الرجل سراج المسجد إلى بيته . (« الهندية » ١/١١٠) . و تجب القيمة في القيمي يوم غصبه إجماعا . (« الدر المختار » مع « الشامي » ٥٦٧/٩) .

[21] مستفاد : إن أراد إنسان أن يدرس الكتاب بسراج المسجد إن كان سراج المسجد موضوعا في المسجد للصلاة قيل : لا بأس به ، وإن كان موضوعا لا للصلاة بأن فرغ القوم

(22) Taping someone on the cell-phone without his consent

Question: Can one tape someone's conversation on his cell-phone without his/her permission?

Answer: Generally, it is prohibited to tape someone without consent or approval. Rasulullah ﷺ said: "Whatever was spoken in a meeting is trust." Hence, taping someone without his consent will result in the breaking of trust, since there is great possibility of others listening to the conversation.[22]

من صلاتهم وذهبوا إلى بيوتهم وبقي السراج في المسجد قالوا : لا بأس بأن يدرس به إلى ثلث الليل ، وفيما زاد لا يكون له حق التدريس ، كما في « فتاوى قاضيخان » . (« الهندية » ٥٤٩/٢) .

[22] عن جابر بن عبد الله رضي الله عنه عن النبي صلى الله عليه وسلم قال : « إذا حدث الرجل الحديث ثم التفت فهي أمانة » . (« ترمذي ١٧/٢) . وقال محشيه : قوله « ثم

(23) Issuing a divorce through the cell-phone

Question: A person divorced his wife by means of sending an sms to her. Is the talaaq valid?

Answer: If the husband acknowledges that he divorced her by sending the sms the talaaq will be valid.[23]

(24) A mu`takif dealing on the cell-phone

Question: Whilst in I`tikaaf someone conducted a business deal over the cell-phone. Is this permissible? Is the business transaction correct?

التفت » يعني إذا حدث أحد عنده حديثا ثم غاب صار حديثه أمانة عندك ، لا يجوز إضاعتها والخيانة فيها بإفشائها . (حاشية « الترمذي » ٦) .

23 مستفاد : ولو كتب على وجه الرسالة والخطاب كأن يكتب : يا فلانة إذا أتاك كتابي هذا فانت طالق ، طلقت بوصول الكتاب . (« الدر » مع « الشامي » ، زكريا ٤/٤٥٦) .

Answer: The business dealings made by the mu`takif are valid. However, it is preferable to abstain from such worldly activities whilst in I`tkaaf. It is detestable to be constantly occupied in material whilst in I`tikaaf.[24]

(25) Avoiding the creditor and the 'auto switch off' program

Question: A cell-phone can be programmed such that it avoids certain incoming calls. Whenever such a person phones whose number is barred, the cell-phone gives the false impression that the line is busy or the phone is off. Can a debtor use such a dubious program to avoid his creditor?

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[24] قوله (أكله وشربه ونومه ومبايعته فيه) يعني يفعل المعتكف هذه الأشـــياء في المـــسجد . وأراد بالمبايعة البيع والشراء ، وهو الايجاب والقبول . وأما إذا اراد أن يتخذ ذلك متجرا فإنـــه مكروه وان لم يحضر السلعة ، واختاره قاضيخان في « فتاواه » ، ورجحه الشارح لأنه ينقطـــع إلى الله تعالى ، فلا ينبغي له أن يشتغل بأمور الدنيا (« البحر الرائق » ، كراتشي ٢/٣٠٣) .

Answer: According to Shariah avoiding and delaying payment is oppression. Whatever ways a person adopts to avoid his creditor is impermissible. Hence, to set the phone in such a manner that one avoids the creditor is impermissible. If necessary, one should ask one's creditor for more time.[25]

(26) Using a cell-phone more than necessary

Question: A company provides two of its employees with the free use of a cell-phone. There is no restriction regarding the usage of their phones. As employees of the firm, should they use the phone only when necessary or are they allowed (in Shariah) to unnecessarily call each other?

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[25] عن ابن عمر رضي الله عنهما قال : قال رسول الله صلى الله عليه وسلم : « مطل الغـــني ظلم » . (« صحيح مسلم » ١٨/٢، « مسند أحمد » ٧١/٢) .

Answer: There is no prohibition regarding the unnecessary calls since the company has allowed unrestricted usage of the phones. However, it is incorrect to engage in idle talk whether on the phone or not. Hadhrat Mugheerah bin Shu`bah رضي الله عنه narrates that Rasulullah ﷺ has prohibited idle talk, unnecessary questions and the wastage of wealth.[26]

(27) Annoying someone with the phone

Question: Zaid wishes to annoy Amr. Hence, he dials Amr's number and after one or two rings he cuts the call. Please comment regarding such an action in the light of Shariah.

Answer: To deliberately annoy someone by phoning him and then cutting the call is sinful and impermissible. Hadhrat Abu Hurairah رضي الله عنه

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[26] عن المغيرة بن شعبة رضي الله عنه قال : نهى رسول الله صلى الله عليه وسلم عن قيل وقال وكثرة السوال و إضاعة المال . (« صحيح البخاري » حديث : ٦٣٧٣) .

narrates that Rasulullah ﷺ said: “A Muslim is he who other Muslims are safe from the harm of his tongue and his hand.” [27]

(28) Giving someone a missed call

Question: Zaid does not want to spend money on making a call. Therefore, he gives Amr a missed call so that Amr may phone him back. Is this permissible?

Answer: The details regarding giving someone a missed call are as follows:

1) If the person is aware that you are going to give him a missed call and he does not mind then it is permissible.

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[27] عن أبي هريرة رضي الله عنه قال : قال رسول الله صلى الله عليه وسلم : « المسلم من سلم المسلمون من لسانه ويده » . (« صحيح البخاري ٦/١ ، مستفاد : « معارف القرآن » ٣٨٦/٦) .

2) Though the person was not expecting the missed call, the caller knows that he would not mind or be inconvenienced with the missed call. In this case his missed call is permissible.
3) If it is a stranger and one does not know if he would mind phoning back or not, then to make him call you would be incorrect.
4) Similarly, it would be incorrect to miss call someone whom you know will be inconvenienced by phoning you back.[28]

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[28] قوله تعالى : ﴿ أو صديقكم ﴾ الآية . ثم إن نفي الحرج في الأكل المذكور مشروط بما إذا علم الآكل رضا صاحب المال بإذن صريح أو قرينة ؛ لأن تخصيص هؤلاء لاعتياد البسط بينهم . (« روح المعاني » ١٠/٣٢٣ ، زكريا) .

(29) Relationships over the cell-phone

Question: A cell-phone company sends a phone number to its customers. The customers are incited to phone this number whereby they may get to speak with others. In this manner the company induces its clients to introduce themselves to one another. Often this results in conversations between males and females. Please comment.

Answer: It is Haraam to befriend strange women whether on the phone or otherwise. This is the key to immorality and vice, apart from the priceless time wasted in this useless pursuit.[29]

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[29] قوله إن صوتها عورة هو ما في « النوازل » وجرى عليه ما في « المحـــيط » و « الكـــافي » حيث عللا عدم جهرها بالتلبية بأن صوتها عورة . (« طحطاوي على المراقي » ، اشرفي ص ٢٤٢) .

(30) Buying and selling cell-phones and downloading

Question: Nowadays the cell-phone trade is on the increase. Apart from buying and selling phones, repairing and downloading material on phones has also become very common. First of all there are the cell-phones with cameras and screensavers. How is it to sell or repair such phones? Then there are companies who sell various musical ring tones and screen savers. Whilst some of the screensavers consist of beautiful scenes, there are others which are completely immoral. As per request these pictures and musical ring tones are sent to the clients. Is it permissible to sell such items or to facilitate the trade of cell-phones in one’s shop or to hire out premises for such a shop or service?

Answer: The mere buying, selling and repairing of cell-phones is permissible. Likewise, downloading programs which are beneficial and within the framework of Shariah is also permissible. However, Shariah does not allow the downloading of music and immoral pictures under any circumstance. The income received by selling or hiring immoral activity is Haraam.[30]

(31) Answering the phone in the toilet

Question: What should I do if I am in the toilet and the phone rings?

Answer: If necessary one may merely make the caller aware that he is occupied at the moment.

30 ولا يجوز الاستيجار على الغناء والنوح وكذا سائر الملاهي ؛ لأنه استيجار على المعــصية ، والمعصية لا تستحق بالعقد . (« الهداية » ٣٠٣/٣) . ولا لأجل المعاصي مثل الغناء والنــوح والملاهي . (« شامي » ، زكريا ٧٥/٩) .

(32) Communicating on Mixit

Question: Is it permissible for one to communicate with friends on the mxit, facebook and other chat sites?

Answer: Mixit, facebook and all chat sites are notorious for illicit chatting and impermissible communication. Any person using these sites becomes automatically associated with the illicit happenings and is therefore looked upon with contempt. We have been commanded to refrain from areas of doubt and suspicion. Therefore using such sites must be totally refrained from.

(33) Using anonymous names

Question: Whilst chatting with others on the mixit, is it permissible for me to use an anonymous name so that others do not know exactly who they are chatting with?

Answer: No. It is not permissible to do so.